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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/090,808

03/06/2002

Christopher H. Sale

S-94,529

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10/06/2003

UNITED STATES DEPARTMENT OF ENERGY

1000 INDEPENDENCE AVENUE, S.W.

ATTN: GC-62 (HQ) MS 6F-067

WASHINGTON, DC 20585-0162

EXAMINER

BELLAMY, TAMIKO D

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,808

Applicant(s)

SALE ET AL.

Examiner

Tamiko D. Bellamy

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-36 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 5-9, and 20-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Burkhardt, Jr. (4,586,379).

With respect to claim 1, Burkhardt, Jr. discloses in figs. 1, 2A, and 3 a tool carrier (e.g., combination of platform 20/F, shaft 18/E, and universal joint 16/D), a carriage (26/J), and an actuator (e.g., motor 34/Z) to move the carriage (26/J) around a track (28/K) (col. 3, lines 1-2; 16-22).

With respect to claim 2, Burkhardt, Jr. discloses in figs. 1, 2A, and 3 that the tool carrier (e.g., combination of platform 20/F, shaft 18/E, and universal joint 16/D). The device of Burkhardt, Jr. further discloses a remote-controlled system for moving an ultrasonic transducer (10/D) around a pipe (14/C).

With respect to claim 15, Burkhardt, Jr. discloses a miniature tool (e.g., ultrasonic transducer assembly (10/D).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, and 16-19, re rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt, Jr. (4,586,379) in view of Pont (4,217,782).

With respect to claim 3, as depicted in fig. 1, 2A and 3, Burkhardt, Jr. discloses a track (28/K) connected to carriage (26/J). Burkhardt, Jr. further discloses an actuator (e.g., motor 34/Z) to move the carriage (26/J) around a track (28/K) (col. 3, lines 1-2; 16-22). While, Burkhardt, Jr. does not use an hydraulic type actuator to drive a carriage, the device of Burkhardt, Jr. make use of an actuator such as a step motor (col. 5, liners 49-52). Pont discloses a carriage (70) driven by an hydraulic motor (col. 5, lines 24-25). Therefore, to modify Burkhardt, Jr. by employing an hydraulic actuator would have been obvious to one of ordinary skill in the art at the time of the invention since Pont teaches an ultrasonic inspection device having theses design characteristics. The skilled artisan would be motivated to combine the teachings of Burkhardt, Jr. and Pont since Burkhardt, Jr. states that his invention is applicable to ultrasonic pipe inspection and Pont is directed to ultrasonic inspection of cylindrical members.

With respect to claims 4 and 5, as depicted in fig. 1, 2A and 3, Burkhardt, Jr. discloses a track (28/K) connected to carriage (26/J). Burkhardt, Jr. lacks the detail of a plurality of tracks/ second means. However, the court held in In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), that the duplicating the components of a prior art device is a design consideration clearly within the preview of one having ordinary the skill of the art. Therefore, to employ Burkhardt, Jr. on a plurality of tracks would have been

obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches its use on an ultrasonic pipe inspection device including a track.

With respect to claim 16, Burkhardt, Jr. discloses in figs. 1, 2A, and 3 a tool carrier (e.g., combination of platform 20/F, shaft 18/E, and universal joint 16/D), a carriage (26/J), and an actuator (e.g., motor 34/Z) to move the carriage (26/J) around a track (28/K) (col. 3, lines 1-2; 16-22). While, Burkhardt, Jr. does not use an hydraulic type actuator to drive a carriage, the device of Burkhardt, Jr. make use of an actuator such as a step motor (col. 5, liners 49-52). Pont discloses a carriage (70) driven by an hydraulic motor (col. 5, lines 24-25). Therefore, to modify Burkhardt, Jr. by employing an hydraulic actuator would have been obvious to one of ordinary skill in the art at the time of the invention since Pont teaches an ultrasonic inspection device having theses design characteristics. The skilled artisan would be motivated to combine the teachings of Burkhardt, Jr. and Pont since Burkhardt, Jr. states that his invention is applicable to ultrasonic pipe inspection and Pont is directed to ultrasonic inspection of cylindrical members.

With respect to claims 17 and 18, as depicted in figs. 1, 2A, Burkhardt, Jr. discloses in figs. 1, a tool carrier (e.g., combination of platform 20/F, shaft 18/E, and universal joint 16/D) connected to a carriage (J). The device of Burkhardt, Jr. further discloses an actuator (e.g., motor 34/Z) connected to the carriage (26/J) and moves the carriage around a track (28/K) (col. 3, lines 1-2; 16-22).

5. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt, Jr. (4,586,379).

With respect to claims 10 and 11, Burkhardt, Jr. discloses an remote actuator (e.g., motor 34/ Z). Burkhardt, Jr. lacks the detail of a secondary actuator for operating the remote actuator. However, the court held in In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), that the duplicating the components of a prior art device is a design consideration clearly within the preview of one having ordinary the skill of the art. Therefore, to employ Burkhardt, Jr. on a secondary remote actuator would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches its use on an ultrasonic pipe inspection device including a remote actuator.

With respect to claim 12, Burkhardt, Jr. discloses determining the location of the carriage (26/J) relative to the position on the pipe (14/C), and the position of the miniature tool (e.g., transducer assembly (10/D))(col. 5, lines 57-59).

With respect to claim 13, Burkhardt, Jr. discloses a remote actuator (e.g., motor 34/Z) and a miniature tool (e.g., ultrasonic transducer assembly (10/D). The device of Burkhardt, Jr. further discloses that the remote actuator (34/Z) includes an encoder (col. 5, lines 53-54).

With respect to claim 14, Burkhardt, Jr. discloses the use of a computer 9col. 5, line 61) which is inherently capable of including imaging means.

Allowable Subject Matter

6. Claims 34-36 are allowed.

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7. Claims 5-9, and 20-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

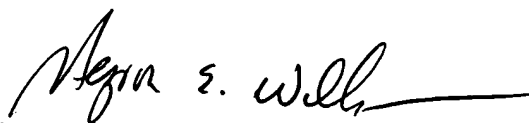
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (703) 305-4971. The examiner can normally be reached on Monday through Friday 10:00 AM to 7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Tamiko Bellamy

T-B.
September 24, 2003


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800